

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 03 CV 12485 GAO

IVAN D. CARRASCO and
RAUL CARRASCO,
Plaintiffs

v.

THE RACK, INC. and
SEAN GANNON
Defendants

**DEFENDANTS' MOTION FOR DISCLOSURE
OF CRIMINAL OFFENDERS RECORD INFORMATION**

Defendants Sean Gannon and The Rack, Inc. ("Defendants") move that this Honorable Court order the Commissioner of Probation for the Trial Court of the Commonwealth to provide to Defendant Sean Gannon's attorney, Stephen G. Cox, Assistant Corporation Counsel, City of Boston Law Department, Room 615, City Hall, Boston, Massachusetts 02201 within 10 days of the date of such order, all Criminal Offender Record Information (CORI), including but not limited to certified records of convictions, for the persons listed below:

IVAN D. CARRASCO

DATE OF BIRTH: [REDACTED]
CURRENT ADDRESS: 334 Prospect Street
Lawrence, MA 01841
SSN: [REDACTED]

RAUL CARRASCO

DATE OF BIRTH: [REDACTED]
CURRENT ADDRESS: 18 Hobson Street
Lawrence, MA 01841
SSN: [REDACTED]

In support of this motion, Defendants state the following:

1. Pursuant to G.L. c.6, §172(c), the Criminal History Systems Board has given a general grant of access to criminal offenders records information as may be used for impeachment purposes to any attorney who is counsel of record for a party in a case who certifies in writing to the Court that he or she will only seek such records of parties and/or prospective witnesses and only for trial strategy or impeachment purposes and will not otherwise disclose it to any unauthorized person.
2. Defendants' counsel hereby certify that the CORI of the designated persons above will only be used by them in this action for trial strategy or trial witness impeachment purposes and will not otherwise be disclosed to any person who is not authorized to have access to CORI.
3. The due process clause of the Fourteenth Amendment of the United States constitution requires that the Defendants have access to this information.
4. Article XI of the Declaration of Rights to the Massachusetts Constitution (remedies by recourse to the law, to be free, complete and prompt) requires that the Defendants have access to this information.

The Court is respectfully referred to the proposed Order annexed hereto.

DEFENDANT, THE RACK, INC.
By its attorney:

S/ Leonardo J. Caruso

Leonardo J. Caruso BBO# 554430
Law Offices of Leonardo J. Caruso
221 Lewis Wharf
Boston, MA 02110
(617) 523-5529

Respectfully submitted,

DEFENDANT, SEAN GANNON
By his attorney:

S/ Stephen G. Cox

Stephen G. Cox BBO# 566943
Assistant Corporation Counsel
City of Boston Law Department
Room 615, City Hall
Boston, MA 02201
(617) 635-4064

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

Pursuant to L.R. D. Mass. 7.1(A)(2), I hereby certify that I have communicated with counsel for the Plaintiff in the above-entitled action and that we were unable to resolve or narrow the issues prior to filing the above motion.

S/Stephen G. Cox

Stephen G. Cox